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Attorneys for Plaintiffs and the Class

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**DANIEL CHAPPELL, MASEN
CHRISTENSEN, and JOHN OAKS,**
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

**CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS and ENSIGN
PEAK ADVISORS, INC.**

Defendants.

**DECLARATION OF CHRISTOPHER A.
SEEGER IN SUPPORT OF PLAINTIFFS'
MOTION FOR APPOINTMENT OF
INTERIM CLASS COUNSEL AND
INTERIM LIAISON COUNSEL**

Case No.: 2:23-cv-794-TS-DBP

Honorable Ted Stewart

Magistrate Judge Dustin B. Pead

I, Christopher A. Seeger, am one of the attorneys representing Plaintiffs and the members of the proposed Class in this litigation, over twenty-one years of age, and submit this declaration in support of Plaintiffs' Motion for Appointment of Interim Class Counsel and Interim Liaison Counsel, and state based on personal knowledge:

1. Proposed Class Counsel has already developed a deep knowledge of the claims asserted in this litigation, having investigated the facts of both the Defendants' solicitation of funds and their active efforts to preclude scrutiny of the eventual use and disposition of these fund, Defendants' interrelated corporate structures, and the impact Defendants' conduct has had on Plaintiffs and members of the proposed Class.

2. Similarly, Proposed Class Counsel researched and analyzed the law relevant to the claims of Plaintiffs and the proposed Class, including the duties Defendant owed to Plaintiffs and the Class, the legal causes of actions and remedies available to Plaintiffs, and the impact, if any, Defendants status as non-profit charitable entities or their affiliation with the Church of Latter-day Saints might have on Plaintiffs' claims.

3. This work has already required significant resources upon which Proposed Class Counsel will continue to build, including over 300 hours of attorney time.

4. Since cofounding my firm in 1999, I have earned leadership appointments from state and federal courts throughout the U.S. in many of the most complex and impactful MDL and class litigations, securing key jury verdicts and negotiating innovative, effective settlements valued at tens of billions of dollars for individuals, municipalities, and private purchasers.

5. In 2012, I was appointed Co-Lead Counsel and served as chief negotiator on behalf of a class of approximately 20,000 retired NFL players in ground-breaking litigation against the NFL, *In re National Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.). In leading this litigation on behalf of players, the litigation team surmounted substantial legal and procedural challenges (including federal preemption, causation, and sub-classing issues) to lead settlement negotiations in coordination with subclass counsel. The results achieved there—including an uncapped settlement fund which has already provided over \$1 billion in Monetary Awards to retired players alongside neurological and neuropsychiatric baseline evaluations and associated care—were overwhelmingly supported by the class.

6. More recently, I have continued leadership roles in complex multidistrict cases. As a member of the Plaintiffs' Executive and Settlement Committees in *In re Nat'l Prescription Opiate Litig.*, MDL No. 2804 (N.D. Ohio), I lead prosecution of negligence, fraud, and related claims, and helped Plaintiffs secure a \$26 billion global settlement. Even more recently, as co-lead counsel in *In re 3M Products Llab. Litig.*, MDL No. 2885 (N.D. Fl.), I negotiated a landmark settlement worth more than \$6B on behalf of servicemembers and veterans who suffered hearing injuries while using 3M earplugs.

7. My success at the negotiating table is built on his success in the courtroom. Notably, my firm's successes in trying bellwether cases have catalyzed global settlements. For example, in *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL No. 2047 (E.D. La.), I was appointed Chair of the Plaintiffs' Trial Committee

and was lead trial counsel in a series of successful bellwether trials. The plaintiffs' verdicts from those trials laid the groundwork for a national settlement valued at approximately \$1 billion. Similarly, *In re Vioxx Prods. Liab. Litig.*, MDL No. 1657 (E.D. La.), in which I was appointed Co-Lead Counsel, settled for \$4.85 billion after five years of intense litigation, but mere months after obtaining a jury verdict of \$47.5 million for one of our clients.

8. I frequently present at conferences and panels with members of the bar and bench on ways to continue to innovate within and improve MDL and complex litigation to serve the interests of justice. I am an elected member of the American Law Institute; a member of the Board of Advisors to the NYU School of Law, Center on Civil Justice; and serves on an Advisory Council to the Duke Law Center for Judicial Studies.

9. Outlining the qualifications of my firm to serve as Interim Class Counsel, I attach hereto as Exhibit "A" the firm resume of Seeger Weiss LLP.

10. Outlining the qualifications of Kitner Woodward PLLC to serve as Interim Class Counsel, I attach hereto as Exhibit "B" its firm resume.

11. Outlining the qualifications of James Magleby of Magleby Cataxinos & Greenwood, to serve as Interim Liaison Counsel, I attach hereto as Exhibit "C" Mr. Magleby's biography.

12. Defendants do not oppose this Motion.

I state under penalty of perjury under the laws of the United States, 26 U.S.C. § 1746, that the foregoing is true and correct.

DATED this 19th day of December 2023

SEEGER WEISS LLP



Christopher A. Seeger (*pro hac vice*)

Attorney for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law firm of MAGLEBY CATAXINOS & GREENWOOD, P.C., 141 W. Pierpont Avenue, Salt Lake City, Utah 84101, and that pursuant to Rule 5(b), Federal Rules of Civil Procedure, a true and correct copy of the foregoing **DECLARATION OF CHRISTOPHER A. SEEGER IN SUPPORT OF PLAINTIFFS' MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL AND INTERIM LIAISON COUNSEL** was delivered to the following this 19th day of December 2023, by:

☐ Hand Delivery

☐ Depositing the same in the U.S. Mail, postage prepaid

☒ CM/ECF System

☐ Electronic Mail

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/s/ H. Evan Gibson
